

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

V.

**ROBERT MENENDEZ and
SALOMON MELGEN,**

Defendants.

No. 2:15-cr-155

Hon. William H. Walls

**UNITED STATES’ MOTION TO SEAL EXHIBITS IN SUPPORT OF
CONSOLIDATED OPPOSITIONS TO DEFENDANTS’ MOTIONS TO DISMISS
AND OTHER PRETRIAL MOTIONS**

The United States respectfully moves this Court to order that certain exhibits to the United States' consolidated oppositions to the defendants' motions to dismiss and other pretrial motions be sealed.

The exhibits listed below should be sealed because they cannot practicably be redacted to comply with the Protective Order (Dkt. No. 14) and Rule 6(e) and Rule 49.1 of the Federal Rules of Criminal Procedure. The exhibits include photographs with sensitive images and documents with personal identifying information implicating Rule 49.1 and the Protective Order, as well as the general privacy interests of the persons identified in the exhibits. The exhibits also include grand jury subpoenas subject to the secrecy provisions contained in Rule 6(e). The exhibits that the United States requests be sealed are identified below, along with the motion they support.

1. United States' Consolidated Opposition to Defendants' Motions to Dismiss Alleging Misconduct:
 - Exhibit 2: FD-302 Report of FBI Interview with Ramon Macroon, September 19, 2013
 - Exhibit 3: FD-302 Report of FBI Interview with Jorge de Castro Font, May 14, 2013
 - Exhibit 4: FD-302 Report of FBI Interview with Ashley Howell, April 29, 2013
 - Exhibit 6: Grand Jury Testimony of Mohammed Butt, March 7, 2013

- Exhibit 7: FD-302 Report of FBI Interview with Kathleen Sebelius, April 15, 2013
 - Exhibit 8: FD-302 Report of FBI Interview with Marilyn Tavenner, February 13, 2013
 - Exhibit 9: FD-302 Report of FBI Interview with Jonathan Blum, February 13, 2013
 - Exhibit 10: FD-302 Report of FBI Interview with Harry Reid, April 28, 2014
 - Exhibit 11: Grand Jury Testimony of FBI Agent Gregory Sheehy, May 7, 2014
 - Exhibit 13: Corrected Page 59, Grand Jury Testimony of FBI Agent Gregory Sheehy, May 7, 2014
 - Exhibit 14: FD-302 Report of FBI Interview with Tom Harkin, May 1, 2014
 - Exhibit 19: Grand Jury Testimony of Rosiell Polanco, October 3, 2013
 - Exhibit 20: FD-302 Report of FBI Interview with Rosiell Polanco, October 2, 2013
 - Exhibit 21: Grand Jury Testimony of Jane Jacobsen, June 11, 2014
 - Exhibit 22: FD-302 Report of FBI Interview with Jane Jacobsen, May 14, 2014
 - Exhibit 25: Grand Jury Testimony of Patricia Enright, July 2, 2014
 - Exhibit 26: Grand Jury Testimony of Michael Barnard, August 13, 2014
 - Exhibit 27: Grand Jury Testimony of FBI Agent Gregory Sheehy, February 26, 2014
 - Exhibit 28: Grand Jury Testimony of Svitlana Buchyk, February 28, 2013
 - Exhibit 29: Grand Jury Testimony of Daniel O'Brien, January 21, 2015
 - Exhibit 30: Grand Jury Testimony of Kerri Talbot, November 12, 2014
 - Exhibit 31: Grand Jury Testimony of Robert Kelly, November 12, 2014
 - Exhibit 32: Grand Jury Testimony of FBI Agent Gregory Sheehy, April 9, 2014
 - Exhibit 33: United States' Discovery Production Log, June 29, 2015
 - Exhibit 39: FD-302 Report of FBI Interview with Javier Ortiz, May 13, 2013
2. United States' Opposition to Defendant Melgen's Motion to Dismiss the Indictment, to Suppress Evidence, and for a *Franks* Hearing:
- Exhibit 5: Black Notebook Found at VREC on January 29, 2013

- Exhibit 6: Photographs of Women Found at VREC on January 29, 2013
 - Exhibit 7: Flight Records Found at VREC on January 29, 2013
 - Exhibit 25: Single Page from Black Notebook Found at VREC on January 29, 2013
 - Exhibit 26: Grand Jury Subpoena to VREC, February 19, 2013
 - Exhibit 27: Grand Jury Subpoena to Salomon Melgen, February 19, 2013
3. United States' Opposition to Defendant Robert Menendez's Motion to Compel Discovery:
- Exhibit 1: Discovery Log, June 29, 2015
4. United States' Opposition to Defendants' Motion for a Bill of Particulars:
- Exhibit 1: Indictment Identification Key

Accordingly, the United States respectfully asks that the aforementioned materials be sealed and that the Court execute the attached proposed Sealing Order.

Respectfully submitted this 24th day of August, 2015.

RAYMOND HULSER
CHIEF, PUBLIC INTEGRITY SECTION

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record for the defendants.

Dated: August 24, 2015

s/ Peter Koski
Peter Koski
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